

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
PUBLIC MEETING MINUTES
OCTOBER 21, 2014
7:15 PM**

Flag Salute, Moment of Silence

Sunshine Law: The notice requirements of the Open Public Meetings Act of the State of New Jersey have been satisfied by the inclusion of the date, time and place of this regular meeting in the annual schedule and notice of regular meetings of this Governing Body. Such annual schedule and notice of regular meetings is posted at Borough Hall, was sent to *The Record* and the *Ridgewood News*, posted on the Borough website and filed with the Borough of Dumont.

Roll Call:

Council members Brophy, Correa, Hayes, Manna, Riquelme, Zamechansky-present
Mayor Kelly-present

Motion to accept agenda as presented: Councilman Brophy
Second: Councilman Manna
All in favor

Mayor Kelly presented a proclamation to the following:
Dumont North East Bergen All Stars 9U Summer Travel Champions
Dumont 16 year old Senior Baseball State Section One Champions
Dumont 14 year old Senior Baseball District Champions
The Mayor called for a five minute recess.

Approval of Minutes

Motion to approve the September 16, 2014 Executive Meeting, Public Meeting and Closed Session minutes: Councilwoman Zamechansky
Second: Councilman Brophy
Roll call vote: Council members Brophy, Correa, Hayes, Manna, Riquelme, Zamechansky-yes
Motion to approve the October 7, 2014 Executive Session and Closed Session minutes: Councilman Manna
Second: Councilman Brophy
Roll call vote: Council members Brophy, Correa, Hayes, Manna, Riquelme, Zamechansky-yes

Administrator Perkins' Report

Bakken crude oil shipments come through the CSX line. In 2015, they are expecting over 3,000,000 gallons to be transported through the county. Yesterday there was a County Office of Emergency Management meeting outlining some of the concerns first responders have. If there was a derailment, it would be handled by local jurisdiction. There is a call by first responders to put together a county-wide network of first responders to address a derailment and/or any type of oil spill. This is a result of an incident which occurred in 2012.

Flood maps have been presented by FEMA; the elevation numbers are being worked on now. There will be a preliminary meeting on October 28th at the County, after which the ninety

day waiting period will begin. We will have to eventually sign off on it in order for it to go on the registry and have the flood maps redone. Residents' flood insurance will be determined upon the elevation numbers.

Barbara Kozay, the Borough tax collector, will be retiring as of January 16, 2015. The Personnel Committee will be meeting with the Tax Assessor to discuss replacing her position.

The Mayor and Council consented to advertising for the replacement of the Recreation Director, who has submitted her resignation effective October 24th.

For the last few years the Borough has had to respond to a State Best Practices questionnaire. The amount of State aid the Borough receives is dependent upon the results of this questionnaire. There are fifty questions, nine of them new this year. Dumont received a score of 45 out of 50. Therefore, we qualify for 100% of last year's State aid. The Administrator, the Municipal Clerk, the CFO and the Borough auditor answer the questionnaire.

Council Committee Reports

- Councilman Brophy

Finance Committee

The committee is still discussing the Capital Budget

- Councilwoman Correa

Shade Tree Commission

They will be planting 28 trees around town.

Board of Education

They are in the process of changing their athletic conference. There will be a presentation on November 13th at the Board of Education office.

They accepted some of their District policies and regulations.

They also reviewed their HIB violations and scenarios.

They also sent a request to the Senate to have Charter Schools fall under the same curriculum as the district.

- Councilman Hayes

Rent Leveling Board

Meeting was cancelled for lack of agenda

Recreation

Some park issues were discussed: sprinkler heads broken, deteriorated field conditions, broken slide. The next day he, Recreation Director Lohsen and the DPW looked at the problems.

Joint Land Use Board

The meeting is scheduled for next Tuesday.

- Councilman Manna

DPW

Leaves and grass clippings should be put at curbside. The park replacement equipment is on order for the piece that can be ordered.

- Councilman Riquelme

Police Department

In September there were 1,785 telephone calls for service-95 calls for medical. 192 traffic summons were issued. 28 motor vehicle crashes were investigated by patrol and 1 domestic violence case was investigated by the Detective Bureau.

Chief Faulborn received a letter expressing thanks for the outstanding job the five Reserve Police Officers did during a service at Frech Funeral Home.

- Councilwoman Zamechansky

Senior Center

The Halloween party will be October 31st.

Flu shots were administered.

November a trip is planned to see the Rockettes at Radio City Music Hall.

Ambulance

The Councilwoman congratulated Captain Dave Oldewurtel, who was nominated by Councilman Brophy, and recognized as “Bergen County Volunteer of the Year”.

The Ambulance Corps will be selling Christmas trees.

Fire Department

There were 2 alarms and 552 man hours in September.

Celebrations

The Halloween parade will take place October 25th at Memorial Park.

The Winter Festival is scheduled for Friday, December 5th with a rain date of December 6th.

Mayor’s Report

Borough Hall relocation: the Mayor and some council members visited 300 Knickerbocker Road. It has ample space-they looked at 3,240 sq. ft. of office space. The annual rent would be \$55,000. The firehouses are also still being discussed. A decision will be reached in the next couple of weeks.

Review of Consent Agenda Items: All items with an asterisk are considered to be non-controversial by the Council and will be approved by one motion. There may be further discussion prior to the vote upon request of a member of the public or a council member. Also, any item may be removed for further discussion or for roll call vote in which case the item will be removed and considered in its normal sequence as part of the general order of business.

RESOLUTIONS

#14-192 Bills List *

#14-193 Epilepsy Awareness Month * Councilwoman Correa requested that the resolution be circulated to the other towns.

#14-194 Accept Resignation of Police Dispatcher Michael Schell *

#14-195 Authorization for the Municipal Clerk to Advertise for RFQ’s *

#14-196 Authorization to Renew Action Data Services Payroll Company Contract *

#14-197 Approval of Authorization of Emergency Appropriation-DPW Fuel Tank *

#14-198 Municipal Court Interlocal with the Borough of Haworth *

#14-199 Dan Drew-Hire as DPW Full-time Employee with CDL License-\$25,500 annual *

#14-200 Approval of Lincoln School PTO Tricky Tray Raffle to be held December 6, 2014; ID#109-5-30683, RL#413 *

#14-201 Approval of Lincoln School PTO On-premise 50/50 Cash Raffle to be held December 6, 2014; ID#109-5-30683, RL#414 *

#14-202 Approval of Selzer School PTO Calendar Raffle to be January 1, 2015 through March 31, 2015; ID#109-5-37089, RL#415 *

#14-203 William Schroeder-Hire as Seasonal Employee-\$10 per hour, no benefits *

Motion to open to the public on consent agenda items: Councilman Brophy

Second: Councilman Manna

All in favor.

1. Kai Chen, 90 Teak Road, asked about the charge for Goosetown on the Bills list.

Motion to close: Councilman Brophy

Second: Councilman Manna

All in favor.

Motion to adopt the Consent Agenda: Councilwoman Zamechansky

Second: Councilman Brophy

Roll call vote: Council members Brophy, Correa, Hayes, Manna, Riquelme, Zamechansky-yes

Non-consent Agenda

The Mayor explained that these resolutions were not on the original agenda. They were forced onto the agenda by four voting members of the Council. #204 was forced on prior to a meeting of the Recreation meeting Monday night, which the Governing Body attended. He said he was more confused after the meeting. The Recreation Department needs a lot of help in managing certification checks. He feels that these resolutions are political. #204 forces the Commission to identify any coaches who are missing something-whether certification or background check-and they cannot coach until that information is provided. He is not in favor of the portion which states that if the coaches have not complied within thirty days, they would be ineligible to coach, which might affect many and would like this removed or amended.

#14-204 Resolution Directing Recreation Commission to Comply with Coaching Background and Certification Requirements

Mayor Kelly asked for comments. Mr. Paster explained that procedurally, if there hasn't been a motion and a second, it doesn't merit discussion. However, if they would like, they can discuss it.

Councilman Brophy questioned the Governing Body's role, since the Commission is autonomous. The Mayor, Council, Mr. Paster, Chief Faulborn and Mr. Perkins attended last night's meeting. The immediate actions are already in the Recreation's by-laws. Also, the resolution talks about holding all funding, which would mean not paying vendors and the possibility of affecting our credit.

Councilwoman Correa said that her concern is that procedure was not complied with. The coaches are not allowed on the field unless they are in compliance. She agrees that the CFO should not withhold funds from a program that is fully compliant. When Recreation requisitions the Board of Education's fields, we are letting them know that Recreation is compliant with their procedures. That is another issue if they aren't.

Councilman Hayes stands against this resolution. There are no children in danger from coaches at the present time. Recreation is trying to get their paperwork in order. Thirty days is too short a time.

Councilman Manna stated that the Governing Body has a fiduciary responsibility to make sure the children, coaches and town are protected. There is definite liability if the bylaws are not followed. He agreed that the thirty days could be changed.

Councilman Riquelme said that the resolution will ensure that the Recreation Commission will follow procedures. We need to be proactive.

Councilwoman Zamechansky said that she emailed the resolutions to the Mayor and Council on Saturday. The certification and background checks are to protect the Borough. The health and safety of the children has to be our number one priority. As of Friday, we will be without a director.

Mayor Kelly stated that the Recreation Commission has the ability to take coaches off the field if they aren't certified. He thinks the resolution should be rewritten. The Commission has to create a database that is up to date with all certifications included. He would like to take all

the comments from tonight and present a rewritten resolution. He suggested that there be a committee to work on bylaws. The Recreation Commission is autonomous; the Governing Body can add their input. After attending the meeting the other night the Council could see that the Commission is in disarray and needs to work with them to get it together.

Motion to table the resolution: Councilman Hayes

Second: Councilman Brophy

Roll call vote: Council members Brophy and Hayes-yes

Council members Correa, Manna, Riquelme, Zamechansky-no

Motion to table failed but discussion ensued.

Chief Faulborn was asked by the Mayor if coaches without certification are being removed from the field and he responded that that is correct.

Councilman Brophy questioned the wording "in the discretion of the Borough Administrator and/or Chief of Police". Is it "and" or is it "or"?

Mr. Paster responded that only the Chief would be privy to criminal background information and would make a determination as to what would be a disqualifying provision. The Administrator would be in a position to deny eligibility based on incompleteness of the application.

Councilwoman Zamechansky would like the timeline amended to read forty-five days.

Councilman Hayes suggested January 1st.

Councilman Manna stated that the Commission needs a deadline in order to get this off the ground.

Mr. Perkins stated that administratively it would be impossible to do this within thirty days. There needs to be a progressive timeline. The problem is that effective Friday, there will be nobody working in the Recreation Department. The coaches are required to have Rutgers safety certification, concussion program and fingerprinting done with background checks received by the Borough. The suggestion last night was that once these are completed, the coach would receive a card and a lanyard, which they would be required to wear at all times when coaching. The Garden State Joint Insurance Fund specified that certifications for sex offenders and criminal background are required. The current databases are in disarray.

Chief Faulborn stated that he spent the last hour and a half with Chairman Correa and Mr. Sansone. They rectified three problems so far.

After further discussion:

Motion to table: Councilwoman Zamechansky

Second: Councilman Brophy

Roll call vote: Council members Brophy, Correa, Hayes, Manna, Riquelme, Zamechansky-yes

Motion to table carried.

#14-205 Authorization of Investigation of Employee Complaint by Labor Counsel Shahdanian-not to exceed \$2,250

Mayor Kelly had some concerns since this resolution involved personnel but the Borough Attorney had said it was ok to have discussion. He then explained the procedure involved in sending out an agenda. The Municipal Clerk knows all the items needed (resolutions, ordinances, etc.) to be on the agenda and sends the draft agenda to the Mayor for approval prior to sending to the Council. A council member can request to have a resolution added. On Saturday, Councilwoman Zamechansky had sent the two resolutions to the Governing Body after asking the attorney to prepare them. The Mayor can refuse to put them on the agenda, which he did. At that point, the resolution can be forced on to the agenda upon the request of four council

members. He asked that the record show that on Monday morning Council members Correa, Manna, Riquelme and Zamechansky requested the resolutions be added to the agenda and that they are the four Democratic members of the Council. The Mayor also requested the record show that this is the last public meeting before the election.

Mayor Kelly had many issues with this resolution. He still has not seen a signed complaint. He feels this is political. There should be an internal investigation, which would save money.

Councilman Brophy questioned why we would be expending funds for outside counsel when it hasn't yet been investigated by Mr. Perkins. He asked who our Risk Manager was and what advice was received from them.

Mr. Paster responded that our Risk Manager is Brown & Brown. Their protocol is that when an employee complaint is received, it be investigated so the Borough cannot be accused in the future of ignoring it and not being responsive.

Councilwoman Correa stated that she works in Human Resources and any time an employee comes to her with a concern, it is her responsibility to do an investigation and protect the employees. Employees should not come into their workplace feeling they are not in a safe place due to harassment, intimidation or bullying.

Mayor Kelly stated this needs to be a fair process because the person being accused is an appointed commissioner of the Borough and should be afforded the same respect. There is no documentation that the person accused or other commissioners have been reached out to.

Councilman Hayes is opposed to this resolution. He is liaison to Recreation. He said the complainant should understand that if she falsifies and makes up stories, she could be held liable for damages. He also said he doesn't like the labor attorney; he lied to his face and refused to answer his questions on a conference call. He voted against hiring this lawyer. He feels that an internal investigation should be conducted.

Councilman Manna said he wished Mayor Kelly and Councilman Hayes had communicated their feelings prior to tonight's meeting. Any employee, volunteer or appointee should have a level of expectation that they can work in a place that is not hostile.

Councilman Riquelme stated that he has been in management for twenty-five years and any complaints or concerns should be addressed, whether internally or by labor attorney.

Councilwoman Zamechansky stated that this is not political-they didn't plan on having the Recreation Director step down and accuse this person. She doesn't feel the Mayor should be involved in an internal investigation because of his relationship with the person named in the complaint.

Mr. Perkins stated that a couple of weeks ago, while away, the Police Chief informed him that the Recreation Director had come to him with some concerns. The Chief told her she should speak to the Administrator. Mr. Perkins spoke to Councilman Hayes, Recreation liaison, and told him what his concerns were and that there was a possibility the director was going to resign as a result of having an issue with one of the commissioners. Following that conversation, Mr. Perkins received a phone call from the commissioner involved.

Mr. Perkins explained the grievance process: level 1-the Recreation Director would have been directed to the Recreation Commission and if there is no resolution, the person would then go to level 2, the Administrator. If there is still no resolution the next level would be Mayor and Council.

Last Tuesday, the Director submitted her resignation to the Administrator and said that she could not work under these conditions. It was brought to his attention that someone thought he "was making a big deal of this". He did not want everyone to think this was political so he asked

the Director for documentation of her concerns, which she provided. This does not conform with the requirements of a grievance. We need to make sure there are protections.

When asked the process for an internal investigation, Mr. Perkins explained that he would interview people involved with a witness present. If it needed to go further, an attorney would then get involved.

Councilman Brophy stated that since this is not even a grievance, he didn't understand why it wouldn't be conducted internally rather than externally.

Councilwoman Correa wanted to clarify that an internal investigation would be done and what the timeframe would be. She feels that five days is timely.

Mayor Kelly said that the Director and the Commissioners would be interviewed.

Motion to table: Councilman Hayes

Second: Councilman Brophy

Roll call vote: Council members Brophy, Correa, Hayes, Manna, Riquelme-yes

Councilwoman Zamechansky-no

Motion to table Resolution #205 carried.

Motion to open to the public for general comments: Councilman Brophy

Second: Councilwoman Zamechansky

All in favor.

1. John Sansone, 119 Beacon Street, stated that he is a Recreation Commissioner and takes exception to Councilman Hayes saying that the Recreation Director's letter stated that other commissioners are involved in this. It is not in the letter. He doesn't know what happened outside of the meetings, which is where he thinks most of the issues were, but he would never allow a man to abuse a woman at a meeting. As for the fingerprinting issue, the Recreation Commission is going over lists and it will affect some people tomorrow. Coaches who don't have proof they have been fingerprinted will be pulled off fields. The Commission is being proactive.

2. Lynne Vietri, 41 Wilkens asked who writes the resolutions. She feels it is not fair to give just 30 days, as mentioned in Resolution #204 and the Recreation Director position should be full time. You can't hold payment from vendors. Not every offense is considered a non-coachable offense. Recreation and Governing Body should work together. The Chief explained there's a list of disqualifiers for coaching.

3. Mike Izzalino, 65 Hillcrest, stated it is wrong to pull coaches off the field because the Recreation Department was lax in following up.

4. Lily Binney, 32 Roxbury, stated communication and compromise is important. How many coaches are there? Do they pay for their own fingerprinting? Is \$55,000 the bottom line to move to the Cresskill building? What is the price for the firehouses?

5. MaryAnn Russini, 141 Roosevelt, asked how one becomes a Recreation Commissioner. What is the term? If a commissioner is not doing what he is supposed to do, is it the Council that steps in? Coaches shouldn't have to pay for their own fingerprinting. The sports running now should be addressed first.

6. Sal Maurice, 25 Druid Avenue, stated that Resolution #204 stemmed from an anonymous call. He said he was never fingerprinted when he was coaching. It's a good idea for the coaches to pay for their own fingerprinting.

7. Joanne Sutton, 305 Depew, has been trying to get FEMA information. Are the

Borough's engineers floodplain managers? Mr. Perkins responded that Remington Vernick does have engineers who are specialists. She asked if she could get a list of residents in the flood zone. She said she has never gotten water and still has to pay flood insurance.

8. Gabrielle Sudano said that people are unable to sell their houses because they are in the flood zone. The town should help.

9. Rachel Bunin, 9 Poplar, stated that the COAH people couldn't come to an agreement. What does that mean to our town? Mr. Paster said it would be going back to the Supreme Court. In the meantime, we're in limbo.

Ms. Bunin suggested giving Recreation benchmarks to get fingerprinting done. Letters were sent out by the Borough concerning rats. Does D'Angelo's have an exterminator?

10. Debby Tamburro, 125 Roosevelt said the coaches are good; you can't judge someone for their past. This is political.

11. Chris Snell, 84 Franklin Street, said he has been a coach for three years. He said he is Rutgers and concussion certified. He decided to run for Council, which was the impetus for the current fingerprinting concerns. He said he sold drugs when he was 18-20 years old and got out of prison in 1993. He is not the same person today. He feels this is political. He said he wants everyone to hear from his mouth that "Christopher Snell was a criminal, Christopher Snell did sell drugs, Christopher Snell did make mistakes. I did that. That's who I was; it's no longer who I am. I am a United States Marine, I am a taxpaying citizen, I'm a husband, I'm a father and that's who I am, I'm a coach." He said people should be given a second chance.

12. Sal Maurice, 25 Druid, said to tell the anonymous person to step forward.

13. Tim Hickey, 165 Randolph, asked that John keep all informed with FEMA issues. He is on the Recreation Commission. He read the document from JIF regarding criteria for people to coach. Liability is an issue.

Motion to close to the public: Councilman Riquelme

Second: Councilman Manna

All in favor.

The Mayor adjourned the meeting at 10:10PM

Minutes respectfully submitted by:

Susan Connelly, RMC
Municipal Clerk